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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,802	12/01/2003	Robert H. Murray	MSD02	5548

7590

01/10/2006

Robert H. Murray,  
52 Manor Hill Drive  
Fairport, NY 14450

EXAMINER
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LOWEN, ALYSSA

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Group I claims 1-6 in the reply filed on 12/22/05 is acknowledged.
2. Claims 7-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/22/05.

***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 12/1/03 is in compliance with the provisions of 37 CFR 1.97 and 37 CFR 1.98. Accordingly, the information disclosure statement is being considered by the examiner.

***Priority***

4. Applicant's claim for the benefit of a prior-filed application (60/431116) under 35 U.S.C. 119(e) is acknowledged. Applicant has complied with all conditions for receiving the benefit of an earlier filing date.

***Specification***

5. The disclosure is objected to because of the following informalities: The word "choking" was misspelled on page 3 line 11 and on page 4 line 29. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the American Family Physician article and Prater (5383806). The article discloses a safe toy balloon having a repulsive taste agent such as a bitter-tasting substance applied to a designated exterior surface of the balloon body, which would exclude the neck or mouthpiece area of the balloon (paragraph 6). The balloon described by the article discloses the basic inventive concept, substantially as claimed, with the exception of expressly stating that the balloon is an inflatable elastomeric member having an exterior surface, an interior surface, a neck portion and a body portion. However, Prater shows an elastomeric balloon having an exterior surface (5), an interior surface (4), a neck and body portions (Fig. 1) showing these features to be old in the balloon art. It would have been obvious to one of ordinary skill at the time of invention from the teaching of Prater that the balloon takes this configuration in order to be easily manufactured.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the American Family Physician article and Prater as applied to claims 1 and 3 above, and further in view of Minkoff (4005038). The balloon as disclosed by the article and Prater discloses the basic inventive concept, substantially as claimed, with the exception of the bittering agent comprising denatonium benzoate. However, Minkoff discloses the use of denatonium benzoate to coat surfaces that could be harmful to a child (abstract). It would have been obvious to one of ordinary skill in the art at the time of invention from the teaching of Minkoff to have the bittering agent be denatonium benzoate in order to

impart a bitter taste to a hazardous object, which would teach a child to avoid eating the object.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alyssa M. Lowen whose telephone number is 571-272-2684. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AML

  
**EUGENE KIM**  
PRIMARY EXAMINER